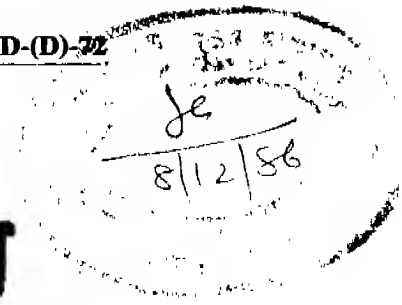
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भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 7th March, 1986:—

BILL NO. 12 OF 1986

A Bill further to amend the Payment of Bonus Act, 1965.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Payment of Bonus (Amendment) Act, 1986. Short title.

21 of 1965. **2. In secton 1 of the Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act),—** Amendment of section 1.

(i) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Save as otherwise provided in this Act, it shall apply to every factory or other establishment in India employing any number of employees;

(ii) in sub-section (4), the second proviso shall be omitted; and

(iii) sub-section (5) shall be omitted."

Sub-stitution of new section for section 3.

3. For section 3 of the principal Act, the following section shall be substituted, namely:—

Establishments, not to include departments, branches whether situated in the same place or in different places.

"3. Where an establishment consists of different departments, undertakings or branches, whether situated in the same place or in different places, bonus payable to the empolyees of such departments, undertakings or branches shall be paid on the basis of the respective profit and loss account and balance-sheet in respect of each department, undertaking or branch and it shall not be open to the employer to declare bonus on the basis of consolidated balance-sheet and profit and loss account of the entire company."

Sub-stitution of new section for section 10.

4. For section 10 of the principal Act, the following section shall be substituted namely:—

Payment of minimum bonus.

"10. (1) Every employer shall be bound to pay to every employee employed in his establishment a minimum bonus which shall be 12 per cent of the salary or wage earned by the employee during the accounting year or rupees three hundred, whichever is higher, whether or not the employer has any allocable surplus in the accounting year.

(2) The provisions of sub-section (1) shall enforceable in all cases and the employer shall be bound to pay the said minimum bonus to his employees, even if there is a dispute regarding payment of bonus or even if the employer approaches the appropriate authorities for extension of time beyond the period of eight months for the payment of such minimum bonus.

Amendment of section 16.

5. In section 16 of the principal Act,—

(i) in sub-section (1), for the words "under this Act in accordance with the provisions of sub-section (1A), (1B) and (1C)", the words "immediately upon the close of the first accounting year" shall be substituted;

(*ii*) sub-sections (1A), (1B), (1C) and (2) shall be omitted."

Sub-stitution of new section for section 17.

6. For section 17 of the principal Act, the following section shall be substituted, namely:—

Puja or customary bonus.

"17. Where in any accounting year an employer has paid any puja bonus or other customary bonus to an employee, even then, the employer shall be bound to pay bonus payable under the Act and the amount paid by way of puja bonus or customary bonus shall not be deducted from the amount of bonus payable under this Act."

Amendment of section 23.

7. In section 23 of the principal Act, in sub-section (*1*) for the existing proviso, the following proviso shall be substituted, namely:—

"Provided that it shall be obligatory for the corporation or the company to get their accounts audited by Government auditors each year and if that is not done, the said accounts audited by the auditors, appointed by the companies under the Companies Act, 1956 shall be liable to be questioned in by the Unions or employees.".

1 of 1956.

Amendment of section 24.

8. In section 24 of the principal Act, after sub-section (*1*), the following proviso shall be added, namely:—

"Provided that it shall be obligatory for the banking company to get their accounts audited by Government auditors each year and if that is not done, the said accounts audited by the auditors, appointed by the companies under the Companies Act, 1956, shall be liable to be questioned in by the Unions or employees.".

1 of 1956.

Omission of section 32.

9. Section 32 of the principal Act shall be omitted.

Substitution of new section for section 36.

10. For section 36 of the principal Act, the following section shall be substituted, namely:—

Power of exemption.

"36. (*1*) In case any establishment desires to have exemption from liability to pay bonus under this Act, such application for exemption shall be submitted to the President of the Industrial Court/Tribunal in each State or the Union territory who shall be authorised to examine the financial position and other relevant circumstances of the establishment and then decide as to whether such establishment should be given exemption and, if so, for what period and on what terms.

(*2*) An application, referred to in sub-section (*1*), shall not be decided by the officers of the appropriate Government and any matter pending before the appropriate Government, on the date of coming into force of the Payment of Bonus (Amendment) Act, 1986, shall be transferred to the President of the Industrial Court/Tribunal for his decision."

STATEMENT OF OBJECTS AND REASONS

The Payment of Bonus Act, 1965 applies, *inter-alia,* to every establishment in which 20 or more persons are employed on any day during the accounting year. In the State of Maharashtra, however, the Act is applicable to every establishment in which 10 or more persons are employed on any day during the accounting year. This provision deprives several employees of those establishments where the number of employees is less than 20 of their share in profits of the establishments. This anamolous position requires to be changed to give justice to a large number of employees who are employed in such establishments so as to bring uniformity in the payment of bonus to all these employees.

Section 16 of the Payment of Bonus Act provides for exemption to certain establishments which are newly set up and such establishments are given infancy exemption for the first five years period following the accounting year in which the employer sells goods produced or renders services. This section, however, provides for set off of losses purported to have been incurred by such employers and it being so, the artificial losses shown by such employers are taken advantage of to the detriment of the interests of the employees. The said position also requires to be rectified in order to give justice to the employees who are employed in such new establishments and they do not get bonus for the first five accounting years.

Section 17 of the Act provides for adjustment of customary bonus paid to certain employees as per the practice or the custom prevailing at those respective places. Customary bonus was being paid in the past even before the Payment of Bonus Act came into force in the year 1965. There is, therefore, no reason why the right of getting customary bonus vested in certain employees should be affected and the said customary bonus should not be allowed to be set off against the bonus payable under the Act.

Minimum bonus payable to employees is 8.33 per cent of the salary or wages earned by the employees during the accounting year as provided under sction 10. This limit of minimum bonus is too small a figure and, therefore, in view of the inflationary trend in the prices of essential commodities, it requires to be increased.

Under section 23 and 24 of the Act, the balance sheets and profit and loss accounts are presumed to be accurate if the same are audited by the auditors of the companies as per the Companies Act, 1956. Such accounts of the banking companies are not be questioned by any Union or the employees in case of banking companies as provided under section 24. It is, therefore, necessary that suitable amendments be made to have a check on the balance sheets and profit and loss accounts of the companies and banking companies.

As per the provisions of section 32 of the Payment of Bonus Act, 1965, the Act does not apply to certain establishments which are statutory

corporations or other institutions started by the Government authorities. This results in depriving the employees employed in such corporations or Government organisations or institutions of the bonus payable under the Act. This provision has resulted in discrimination between one class of employees employed by public or private sector undertakings and the employees employed by statutory corporations or Government bodies or such other institutions which are exempted under the Payment of Bonus Act, 1965. Since such discrimination is against the provisions of the Constitution, the same requires to be removed.

Under section 36, appropriate Government is given power to exempt certain establishments from their liability to pay bonus on account of their financial position and other relevant circumstances and such power of granting exemption is conferred upon the appropriate Government. These powers are exercised by the Government officers of the State Government. However, such a power is likely to be abused and therefore, the power to grant exemption, if any, under section 36 must be conferred upon some judicial authorities who alone should be authorised to grant such exemptions after scrutinising the financial position and other circumstances of the respective employers who wish to apply for exemption under the provisions of the Act.

The Bill seeks to achieve the above objectives.

NEW DELHI;
December 5, 1985.

DATTA SAMANT

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for payment of bonus to any number of employees working in an organisation. Clause 3 provides for payment of bonus to employees of an establishment having different departments, undertakings or branches on the basis of profit and loss of each department, undertaking or branch and not on the basis of consolidated balance sheet and profit and loss account of the entire company. Clause 4 provides for increase in the minimum bonus payable to workers, *i.e.* from 8.33 per cent to 12 per cent. Clause 5 provides for doing away with the special provision with respect to certain establishments. Clause 6 provides for payment of bonus payable to the workers even if they have been paid customary or puja bonus by their employers. Clause 9 seeks to apply the provisions of the Act to certain classes of employees who are at present not covered under it. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. A recurring expenditure of rupees ten crores per annum is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees one crore is likely to be involved from the Consolidated Fund of India.

BILL No. 14 OF 1986

A Bill further to amend the Regional Rural Banks Act, 1976.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Regional Rural Banks (Amendment) Act, 1986.

(2) It shall come into force at once.

21 of 1976.

Amendment of section 2.

2. In section 2 of the Regional Rural Banks Act, 1976 (hereinafter referred to as the principal Act),—

(*i*) for clause (*d*), the following clause shall be substituted, namely:—

"(*d*) "notified area" means a State or such smaller local limits, specified under sub-section (*1*) of section 3, within which a Regional Rural Bank shall operate,"; and

(*ii*) for clause (*g*), the following clause shall be substituted, namely:—

"(*g*) "Sponsor Bank" in relation to a Regional Rural Bank, means the National Bank for Agriculture and Rural Development;".

Amendment of section 3.

3. In section 3 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"3. (*1*) The Central Government, may by notification in the Official Gazette, establish in a State or Union territory one Regional Rural Bank with such name as may be specified in the notification, and may specify the local limits within which each Regional Rural Bank shall operate:

Provided that in the case of comparatively bigger or more populous States, the Central Government, by the said notification, may, establish two Regional Rural Banks.".

Amendment of section 4.

4. In section 4 of the principal Act, for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) A Regional Rural Bank may, if it is of opinion that it is necessary so to do, establish its branches or agencies at any place within the notified area, so as to ensure coverage of every fifteen thousand or smaller group of rural population by a branch or agency of the Regional Rural Bank."

Substitution of new section for section 5.

5. For section 5 of the principal Act, the following section shall be substituted, namely:—

Authorised capital.

"5. The authorised capital of each Regional Rural Bank shall be ten crores of rupees, divided into ten lakhs of fully paid-up shares of one hundred rupees each:

Provided that the Central Government may, after consultation with the National Bank for Agriculture and Rural Development and the State Government concerned, increase or reduce such authorised capital in consideration of the population, the area and special features of the area of the concerned Regional Rural Bank; so, however, that the authorised capital shall not be reduced below four crores of rupees, and shares shall be in all cases, fully paid-up shares of one hundred rupees each."

Amendment of section 6.

6. In section 6 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The issued capital of each Regional Rural Bank shall be four crores of rupees."; and

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Of the capital issued by a Regional Rural Bank under sub-section (1), eighty five per cent. shall be subscribed by the National Bank for Agriculture and Rural Development and fifteen per cent. by the concerned State Government."

Substitution of new section for section 9.

7. For section 9 of the principal Act, the following section shall be substituted, namely:—

Board of directors.

"9. **(1) The Board of directors shall consist of the Chairman appointed under sub-section (*1*) of section 11, and the following members, namely:—**

(a) **not more than two directors, to be nominated by the sponsor Bank;**

(b) **three directors to be nominated by the State Government of whom one shall be from the Finance Department of the concerned State Government; and**

(c) **one representative of the State Federation of the Employees' Association and Union.**

(2) The Central Government may increase the number of directors by not more than one and prescribe the manner in which the additional number be filled in."

8. In section 11 of the principal Act,—

Amendment of section 11.

(*i*) for sub-section (*1*) the following sub-section shall be substituted, namely:—

"(*1*) The sponsor Bank shall appoint an individual to be the Chairman of a Regional Rural Bank and specify the period, not exceeding five years, for which such individual shall subject to the provisions of sub-section (*4*), hold office as the Chairman.";

(*ii*) for sub-section (*4*) the following sub-section shall be substituted, namely:—

"(4) The Chairman shall hold office during the pleasure of the National Bank for Agriculture and Rural Development.";

(*iii*) for sub-section (*5*), the following sub-section shall be substituted, namely:—

"(*5*) The Chairman shall receive such salary and allowances and be governed by such terms and conditions of service as may be determined by the Sponsor Bank.";

(*iv*) for sub-section (*6*), the following sub-section shall be substituted, namely:—

"(*6*) If the Chairman is, by infirmity or otherwise, rendered incapable of carrying out his duties or is absent, one leave or otherwise, in circumstances not involving the vacation of office, the Sponsor Bank may appoint another individual to act as the Chairman during the absence of the first-mentioned Chairman."

Amendment of section 13.

9. In section 13 of the principal Act, for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) The Chairman may resign his office by giving notice thereof in writing to the Sponsor Bank, and a director may resign his office by giving notice thereof to the authority by which he was nominated; and, on such resignation being accepted, the Chairman or the director, as the case may be, shall be deemed to have vacated his office."

Amendment of section 15.

10. In section 15 of the principal Act, after sub-section (*1*), the following sub-section shall be added, namely:—

"(*2*) Notwithstanding anything contained in sub-section (*1*), the Board shall appoint one district level Consultative Committee for

each district to oversee and coordinate the activities of Regional Rural Banks at the district level and the Committee shall, *inter alia*, include:—

(*a*) The District Magistrate, President.

(*b*) The Project Officer, District Rural Development Agency.

(*c*) The President, Zilla Parishad.

(*d*) A representative of the National Bank for Agriculture and Rural Development.

(*e*) such other officials and experts in allied fields as considered necessary by the Board.

(*f*) The district level officer of the Regional Rural Bank concerned shall be the convener."

Amendment of section 17.

11. In section 17 of the principal Act,—

(*i*) in sub-section (*1*), for the second proviso, the following proviso shall be substituted, namely:—

"Provided further that the remuneration of officers and other employees appointed by all the Regional Rural Banks shall be such as may be prescribed by the National Bank for Agriculture and Rural Development, and, in determining such remuneration the National Bank for Agriculture and Rural Development shall have due regard to the salary structure of the employees of the nationalised commercial banks of comparable status in the notified area."; and

(*ii*) for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) the provisions of the Industrial Disputes Act, 1947 and the Industrial Employment (Standing Orders) Act, 1946, together with the rules framed thereunder, shall be applicable to the employees of Regional Rural Banks." 14 of 1947. 20 of 1946.

Substitution of new section for section 24.

12. For section 24 of the principal Act, the following section shall be substituted, namely:—

Power of Sponsor Bank to give directions.

"24. A Regional Rural Bank shall, in discharge of its duties, be guided by such directions in regard to matters of policy involving public interest as the Sponsor Bank may, after consultation with the Central Government and the State Governments concerned, give.".

Substitution of new section for section 26.

13. For section 26 of the principal Act, the following section shall be substituted, namely:—

Bar to liquidation or amalgamation of Regional of Rural Banks.

"26. No provision of law relating to the winding up of companies shall apply to a Regional Rural Bank, and a Regional Rural Bank shall not be placed in liquidation, or more than one Regional Rural Bank shall not be amalgamated into one Regional Rural Bank, save by order of the Central Government, made after consultation with Sponsor Bank and the State Government concerned, and in such manner as the Central Government may direct.".

STATEMENT OF OBJECTS AND REASONS

Regional Rural Banks owe their origin to inability of big commercial banks and cooperative banks to identify with the needs and aspirations of the rural poor and also to bridge the credit gap prevailing in the rural economy. At present more than 12,000 branches of 186 Regional Rural Banks are operating in 323 districts of the country.

Set up under the Regional Rural Banks Ordinance, 1975, these banks have progressed considerably by now, and deposits and advances of Regional Rural Banks in the country as on 31-3-1985 stood at Rs. 990 crores and Rs. 1165 crores respectively. Performance of these Banks in implementation of rural development programmes like the Integrated Rural Development Programme, the special programme for Scheduled Caste/Scheduled Tribe people, etc. has been praise-worthy.

But these banks suffer from various limitations. Although employees of Regional Rural Banks perform the same job as is being done by employees of rural branches of commercial banks, the conditions of service, pay and allowances and other amenities of employees of Regional Rural Banks have been tagged alongwith employees of the respective State Governments. Therefore, it is necessary to bring uniformity in the conditions of service of employees of Regional Rural Banks with the employees of rural branches of commercial banks to uphold the ethical norm of "Equal pay for equal job".

The leadership role envisaged by sponsoring commercial banks has not materialised. Therefore, it has become necessary to delink the sponsoring commercial banks from management of Regional Rural Banks and to transfer their sponsorship to the National Bank for Agriculture and Rural Development, so that they could be properly streamlined and made viable and more responsive to needs of the poor.

Hence this Bill.

NEW DELHI; SUDHIR ROY.

December 10, 1985.

FINANCIAL MEMORANDUM

Clause 5 of the Bill seeks to increase the authorised capital of each Regional Rural Bank from one crore of rupees to ten crores of rupees. Clause 6 seeks to increase the issued capital of each Regional Rural Bank from twenty-five lakhs of rupees to four crores of rupees. Clause 7 empowers the Central Government to increase the number of members of the Board and also to prescribe the manner in which additional number may be filled in. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees two crores per annum is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty-five lakhs is likely to be involved from the Consolidated Fund of India.

BILL NO. 9 OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1986. Short title.

2. In article 368 of the Constitution, for clause (5), the following clause shall be substituted, namely:— Amendment of article 368.

"(5) For the removal of doubts, it is hereby declared that the power of Parliament to amend the Constitution conferred by this article does not include any power to make any amendment so as to affect the core or basic structure of the Constitution which shall mean and include:

(*a*) democratic form of Government;

(*b*) secular character of the Constitution;

(*c*) separation of powers between the Legislature, the Executive and the Judiciary;

(*d*) federal character of the Constitution; and

(*e*) dignity and freedom of individual.".

STATEMENT OF OBJECTS AND REASONS

There are sharp differences of opinion in the country on power of Parliament to amend the Constitution. This question is repeatedly raised from various forums and divergent views are expressed. It is, therefore, necessary to settle the scope of amending power of the Constitution under article 368.

It is generally agreed that the basic features of the Constitution, namely secularism, democracy, federalism and the freedom of the individual would always subsist in a democratic State.

The amending power of Parliament derived from article 368 of the Constitution cannot be utilised, as clearly stated in the Supreme Court Judgement in the famous Keshavananda Bharati's case to destroy or abrogate the basic structure or framework of the Constitution. If this is not so, a political party with the requisite two-third majority in Parliament could so amend the Constitution as to debar any other political party from functioning, establish totalitarianism, destroy the federal and secular character of the Constitution and democratic form of Government and after having effected these purposes make the Constitution unamendable or extremely rigid.

The Bill seeks to settle the dispute about the power of Parliament to amend the Constitution and to avoid the possibility of destruction of democratic form of Government, secular and federal character of the Constitution and dignity and freedom of the individual.

NEW DELHI;
February 4, 1986.

MADHU DANDAVATE

BILL NO. 7 OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1986. **Short title.**

2. In article 75 of the Constitution, after clause (*1*), the following clause shall be inserted, namely:— **Amendment of article 75.**

"(*1A*) The Prime Minister shall command the support of the majority of the members of the House of the People which in case of doubt shall be determined on the floor of the House.".

3. In article 164 of the Constitution, after clause (*1*), the following clause shall be inserted, namely:— **Amendment of article 164.**

"(*1A*) The Chief Minister shall command the support of the majority of the members of the Legislative Assembly which in case of doubt shall be determined on the floor of the Assembly.".

STATEMENT OF OBJECTS AND REASONS

If the assessment of the question as to which party in a Legislature commands majority support is left to the discretion of the President or the Governor, there may be room for doubt regarding the use of this discretion. It is, therefore, advisable to leave this assessment to the Legislature, so that the matter is decided on the floor of the House concerned.

The Bill seeks to achieve this objective.

NEW DELHI;
February 4, 1986.

MADHU DANDAVATE

BILL No. 13 OF 1986

A bill to provide for the prevention of hoarding of and profiteering in essential commodities of daily use.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title, extent, commencement and application.

1. (1) This Act may be called the Hoarding and Profiteering Prevention Act, 1986.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall, in the first instance, apply to the articles specified in the First Schedule.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "dealer" means any person carrying on the business of selling any scheduled article, and includes a producer, importer, wholesaler or retailer;

(*b*) "hoarding" means accumulating goods or stocks meant for sale with a view to cornering them so as to raise their prices by creating a short supply or by bringing them for sale at prices which are not competitive;

(*c*) "importer" means any person who brings any scheduled article into the State where he carries on his business from any place outside the State for the purpose of sale in the State;

(*d*) "profiteering", with its gramatical variations and cognate expressions, means the sale by a dealer of any scheduled article at a price or rate higher than that fixed under section 3;

(*e*) "retailer" means a person who sells any scheduled article to a consumer not being a dealer;

(*f*) "scheduled article" means an article specified in the First Schedule; and

(*g*) "wholesaler" means a dealer who sells any scheduled article to any other dealer, and includes a broker, commission agent or any other agent having authority to sell any scheduled article belonging to his principal.

Fixation of maximum prices or rates for scheduled articles.

3. (*1*) The Central Government may, by order notified in the Official Gazette, fix in respect of any scheduled article the maximum price or rate which may be charged by a dealer or the maximum price which is to be paid by a purchaser.

(*2*) Any order made under sub-section (*1*) may fixed the maximum prices or rates or the maximum price to be paid by the purchaser for the same description of scheduled articles differently in different localities or for different classes of dealers.

Penalty for profiteering and hoarding.

4. (*1*) Any dealer who profiteers in any scheduled article shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both, and the scheduled article in respect of which the offence has been committed or such part thereof as the court may deem fit shall be forfeited to the Government.

(*2*) Any person found deliberately hoarding any scheduled article or any other commodity required for the daily life of the people, shall be punished with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

Penalty for refusal to sell and purchase at fixed price.

5. (*1*) Any dealer who, without reasonable excuse,—

(*a*) refuses to sell any scheduled article, or

(*b*) refuses to sell any scheduled article at the price or rate fixed in respect thereof under section 3,

shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

Explanation.—The possibility or expectation of obtaining a higher price for a scheduled article at a later date shall not be deemed to be a reasonable excuse for the purposes of this section.

(2) Any purchaser who purchases any scheduled article at a price more than the maximum price fixed thereof under section 3 shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

Dealer to submit returns, maintain accounts and furnish information, etc

6. (1) Every dealer shall, on requisition by an officer duly authorised in this behalf by the Central Government by order notified in the Official Gazette, submit to him in the form specified in the Second Schedule by such date and relating to such period as may be mentioned in the requisition, returns of stocks of any scheduled article acquired, held or sold by him.

(2) Every dealer, unless exempted by an order made in this behalf, shall,—

(a) keep in the form specified in the Third Schedule a true account of any scheduled article acquired, held or sold by him after the commencement of this Act;

(b) display in his place of business in a prominent manner so as to be open to public view, a list of the scheduled articles intended for sale the prices or rates of which have been fixed under section 3 in respect of such dealer, with the prices or rates, so fixed in respect thereof;

(c) furnish to any officer referred to in sub-section (1) of this section, or any police officer referred to in sub-section (2) of section 3, any information in respect of the acquisition or sale by him of any scheduled article mentioned in clause (b);

(d) make available to any officer mentioned in clause (c) for his inspection such accounts, registers, vouchers or other documents relating to the import, production, purchase or sale of any scheduled article mentioned in clause (b) or matters connected therewith as may be required by him.

Power to search and seize.

7. When any police officer not below the rank of a Sub-Inspector of Police has reasonable grounds for believing that there has been a contravention of any of the provisions of this Act, such officer; may, after recording in writing the grounds of his belief, at all reasonable hours enter and search any place where a dealer keeps, or is for the time being keeping, any scheduled article, accounts, registers, vouchers or other documents referred to in clause (d) of sub-section (2) of section 6 and, if necessary, inspect, seize or retain all or any of them for so long as they may be required for any investigation into any offence under this Act.

Cognizance of offence and arrest without warrant.

8. (1) All offences punishable under this Act shall be cognizable.

(2) Any police officer not below the rank of Sub-Inspector of Police may arrest without warrant any person against whom a reasonable complaint has been made or credible information has been received of his having been concerned in any of the offences punishable under this Act.

Indemnity.

9. No suit, prosecution or other legal proceeding shall lie against any public servant for anything which is in good faith done or intended to be done under this Act or any order made thereunder.

Power to add any other article to the First Schedule.

10. The Central Government may, by order notified in the Official Gazette, add to the First Schedule any other article of daily use, and thereupon that Schedule shall be deemed to have been amended accordingly and the article so added shall be deemed to be a scheduled article within the meaning of this Act.

Effect of orders inconsistent with the Essential Commodities Act, 195 or orders thereunder.

11. If any order controlling the price of any essential commodity within the meaning of the Essential Commodities Act, 1955, has been made before the commencement of this Act or is made after such commencement and such essential commodity is a scheduled article within the meaning of this Act, that order shall have effect notwithstanding anything inconsistent therewith contained in this Act, or any order made thereunder.

THE FIRST SCHEDULE

[See section 1, section 2(f) and section 10]

1. Rice and rice in the husk
2. Wheat and wheat products
3. Pulses
4. Spices
5. Edible Oil
6. Sugar
7. Baby food
8. Paper
9. Drugs and medicines
10. Skimmed milk powder
11. Kerosene

THE SECOND SCHEDULE

[See section 6(1)]

Form of Return of Stocks for the period from———————— to————————.

Name of dealer ————————, whether producer, importer, wholesaler or retailer.

Address of place of business ————————.

Description of scheduled article	Stocks held at the beginning of the period	Stocks subsequently acquired with date and price of acquisition and names and addresses of persons from whom acquired.	Stocks sold during the period together with the date of sale, the sale price and the names and addresses of persons to whom sold (except in the case of sale by retailers).	Stocks held at the end of the period (except in the case of retailers).
1	2	3	4	5

THE THIRD SCHEDULE

[See section 6(2) (a)]

FORM OF ACCOUNTS OF STOCKS

Name of dealer———————————, whether producer, importer, wholesaler or retailer.

Address of place of business———————————

Description of scheduled article.	Stocks held when Act comes into force.	Stocks subsequently acquired with date and price of acquisition and names and addresses of persons from whom acquired.	Stocks sold together with the date of sale, the sale price and the names & addresses of persons to whom sold (except in the case of sale by retailers.)	Stocks held at the end of each day except in the case of retailers).
1	2	3	4	5

STATEMENT OF OBJECTS AND REASONS

Cases of hoarding and profiteering in foodgrains, medicines and several other commodities essential to the daily life of the people have become common, but there being no deterrent punishment under a specified Act for these offences, these cases have gone on increasing at the hands of anti-social elements. It is felt that a severely deterrent punishment should be prescribed for these offences. This Bill seeks to make provision accordingly.

NEW DELHI;
February 5, 1986.

MADHU DANDAVATE

BILL NO. 2 OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act 1986. Short title.

2. In article 16 of the Constitution, after clause (4), the following clause shall be inserted, namely:— Amendment of article 16.

"(4A) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of physically handicapped persons, outstanding sportsmen or ex-servicemen.".

STATEMENT OF OBJECTS AND REASONS

It is often noticed that persons suffering from different physical handicaps lead miserable lives neglected by their kith and kin and not adquately cared for by the State.

The number of such physically handicapped persons in the country is considerable. Though suffering from physical handicaps of a particular type, they possess talents and abilities in other directions, which can be an asset to the constructive activities of the State.

It is also often seen that outstanding sportsmen, who have engaged themselves in the advancement of the sport of their choice during the best part of their lives, find themselves out of vocation and face financial difficulties for their up-keep and maintenance after their retirement. It is the duty of the State to provide gainful employment to such outstanding sportsmen.

Government spends considerable amount of time, money and energy in the training of officers and jawans for manning the defence forces, *i.e.* army including territorial army, navy, air force and coast guards. It is often seen that the ex-servicemen who have got the expertise, requisite age and capability to work in various fields, are released from service after the termination of their tenure of active service to fend for themselves. It is the duty of the State not only to rehabilitate them after their valiant sacrifices and service but also to utilise their discipline, ability and expertise in the constructive activities of the State.

Hence this Bill.

NEW DELHI;
December 5, 1985.

UTTAM RATHOD

SUBHASH C. KASHYAP,
Secretary-General.

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